

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

July 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

(Kauai)

Consent to Assign General Lease No. SP-135, David Pratt, Dudley Pratt, Jean Wolff, Joan Pratt and Norman Wolff, Assignor, to Samuel W. Pratt, William D. Pratt, Melinda L.P. Walker, Charles D. Pratt III, Timothy G. Pratt, Sarah P. Quinn, Assignee

APPLICANT:

David Pratt, Dudley Pratt, Jean Wolff, Joan Pratt and Norman Wolff, Assignor, to Samuel W. Pratt, William D. Pratt, Melinda L.P. Walker, Charles D. Pratt III, Timothy G. Pratt, Sarah P. Quinn, Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Lot 7, Puu Ka Pele Park, Waimea (Kona), Kauai, Tax Map Key: (4)1-4-002:029, as shown on the attached map labeled Exhibit A.

AREA:

1.02 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

ITEM E7

CHARACTER OF USE:

Recreation - residence.

TERM OF LEASE:

20 years, commencing January 1, 2009, and expiring on December 31, 2029. There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

\$7000.00.

CONSIDERATION:

\$0.00.

RECOMMENDED PREMIUM:

None.

DCCA VERIFICATION:

N/A because all persons involved are individuals and not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/assignee shall prepare and submit fully executed assignment of lease.

REMARKS:

David Pratt, Dudley Pratt, Jean Wolff, Joan Pratt and Norman Wolff held the previous lease covering the property.

Act 223 (2008) and board action directed staff to negotiate new leases with existing permit holders so the new lease was issued to David Pratt, Dudley Pratt, Jean Wolff, Joan Pratt and Norman Wolff who now wish to assign to Samuel W. Pratt, William D. Pratt, Melinda L.P. Walker, Charles D. Pratt III, Timothy G. Pratt, Sarah P. Quinn.

Lessee is in compliance with all lease terms and conditions. There have been no prior defaults.

Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five

years due to non-compliance with such terms and conditions.

Rent re-opening is not scheduled until after the first ten years of the lease. There are no outstanding rental reopening issues.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. SP-135 from David Pratt, Dudley Pratt, Jean Wolff, Joan Pratt and Norman Wolff, Assignor, to Samuel W. Pratt, William D. Pratt, Melinda L.P. Walker, Charles D. Pratt III, Timothy G. Pratt, Sarah P. Quinn, Assignee, subject to the following:

1. No premium to be charged;
2. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

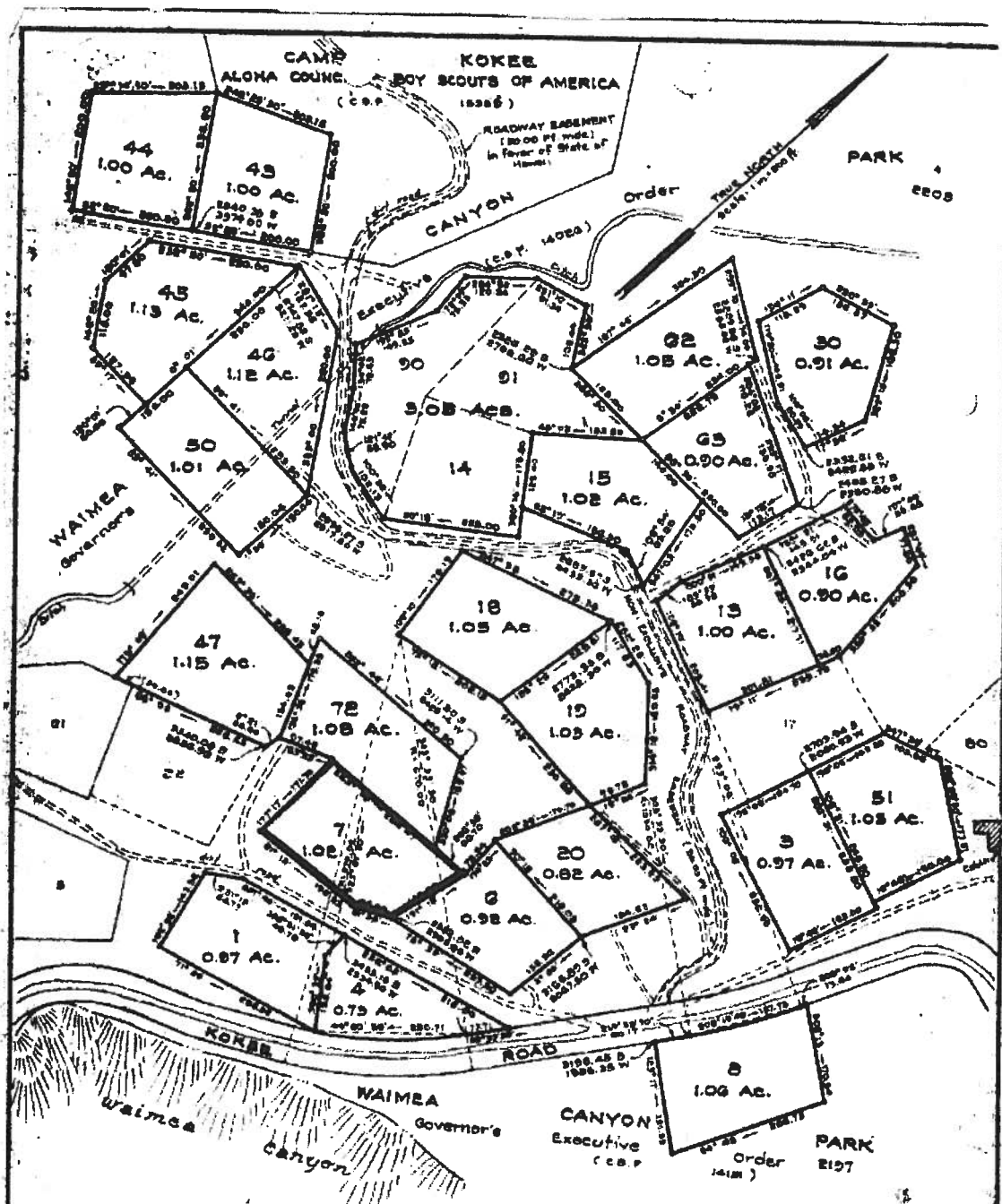


Daniel S. Quinn
State Parks Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



(Revised November 1927)

PUU KA PELE PARK LOTS

LOTS 1, 3, 4, 6, 7, 8, 13, 14, 15, 16, 18, 19,
20, 30, 43, 44, 45, 46, 47, 50, 51, 62, 63,
72, 90 AND 91

Waimea (Kona), Kauai, Hawaii
Scale: 1 inch = 200 feet

EXHIBIT A

JOB No. K-2711
C. E. L. L. M. Folder 1 (Kona)

All lot corners marked with pipes
October 1927, A.T.A. and J.E.J.
Coordinates referred to MALE 2 A

YAR MAP 1-4-08
Sheet 1 of 2 sheets
PICS FOLDER 2

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C.S.O. Nov. 27, 1927

STATE PARKS DIV

53104

'09 APR 28 P3:36

Marc E. Rousseau
Direct Line: (808) 521-9249
Direct Fax: (808) 540-5050
E-mail: mrousseau@cades.com

VIA HAND DELIVERY

April 28, 2009

DEPT OF LAND &
NATURAL RESOURCES

State of Hawaii
Department of Land and Natural Resources
Division of State Parks
1151 Punchbowl Street, Room 310
Honolulu, Hawaii 96813
Attn: Daniel Quinn, State Parks Administrator

Re: State of Hawaii, General Lease No. SP-0135, for Lot 7 of Puu Ka Pele Park Lots

Dear Mr. Quinn:

We represent David Pratt, Dudley Pratt, Jean Wolff, Joan Pratt, and Norman Wolff (collectively, "Present Lessees") in connection with the matter herein. On behalf of the Present Lessees, we respectfully request consent by the State of Hawaii ("State") to assignment of State of Hawaii, General Lease No. SP-0135, between the State, as lessor, and the Present Lessees, as lessee ("GL SP-0135"). We understand that the matter requires approval by the Board of Land and Natural Resources ("BLNR").

In accordance with the provisions of the letter from the State received with the fully executed lease, we provide the following information:

- 1) The name(s) of the present lessee(s): David Pratt, Dudley Pratt, Jean Wolff, Joan Pratt, and Norman Wolff;
- 2) The name(s) of the proposed new lessee(s): Samuel W. Pratt, William D. Pratt, Melinda L.P. Walker, Charles D. Pratt III, Timothy G. Pratt, Sarah P. Quinn (collectively, "Proposed Lessees");
- 3) The reason for the proposed transfer: The Present Lessees would like to pass on GL SP-0135 to the next generation of their family represented by the Proposed Lessees. The Present Lessees have leased the Puu Ka Pele premises for many years dating back to the 1920's (their grandfather built the cabin structure that is located on the parcel) and recently successfully renegotiated for the new GL SP-0135 for the premises.

C S

ImanageDB:1054941.1

Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813
Tel: 808.521-9200
Fax: 808.521-9210
www.cades.com

Kona Office
75-170 Hualalai Road, Suite 303
Kailua Kona, Hawaii 96740
Tel: 808.329-5811
Fax: 808.326-1175

State of Hawaii
Department of Land and Natural Resources
Division of State Parks
April 28, 2009
Page 2 of 2

- 4) The amount of money or consideration, if any, being paid for the transfer: There is no money or consideration being paid with respect to this requested transfer. The Present Lessees simply want to pass on GL SP-0135 to their next generation.

Additionally, at this time, we are enclosing for your review and information the proposed form of Limited Warranty Assignment of General Lease No. SP-0135. We are circulating this assignment document for signature by the parties pending approval by the BLNR.

Could you please affix your receipt stamp to the enclosed copy of this letter and return it to me for my record/files.

We appreciate your assistance with this matter. Please do not hesitate to contact us with any questions or comments or should you require additional information or documentation.

Very truly yours,



Marc E. Rousseau

for

CADES SCHUTTE

A Limited Liability Law Partnership

Enclosure

cc: David W. Pratt

Return by Mail () Pickup () To:

Document contains ____ pages

Tax Map Key: (4) 1-4-002-029

LIMITED WARRANTY ASSIGNMENT OF GENERAL LEASE NO. SP-0135

DAVID PRATT, of Lihue, Hawaii, **DUDLEY PRATT**, of Kailua, Hawaii, **JEAN WOLFF**, of Capitola, California, **JOAN PRATT**, of Honolulu, Hawaii, and **NORMAN WOLFF**, of Petaluma, California, hereinafter called the "Assignors", in consideration of One Dollar (\$1.00) to them paid, the receipt of which is hereby acknowledged, and of love and affection, do hereby assign, transfer and set over unto **SAMUEL W. PRATT, married**, whose address is P. O. Box 3974, Lihue, Hawaii 96766, **WILLIAM D. PRATT, unmarried**, whose address is 270 N. Kalaheo Avenue, Kailua, Hawaii 96734, **MELINDA L.P. WALKER, unmarried**, whose address is P. O. Box 45, Papa'aloa, Hawaii 96780, **CHARLES D. PRATT III, married**, whose address is 10448 N.W. Arcadian Lane, Portland, Oregon 97229, **TIMOTHY G. PRATT, married**, whose address is 301 Acorn Road, Roseburg, Oregon 97470, and **SARAH P. QUINN, unmarried**, whose address is 1548 Vine Street, El Centro, California 92243, hereinafter called the "Assignees", as tenants in common in equal shares, and their respective heirs and assigns:

ALL of that certain General Lease No. SP-0135 (herein the "Lease") described in Exhibit "A" attached hereto and made a part hereof, subject, however, to the encumbrances (if any) mentioned in said Exhibit "A";

TO HAVE AND TO HOLD the same unto the Assignees as tenants in common as aforesaid, for the unexpired residue of the term of the Lease, subject to the encumbrances (if any) mentioned in said Exhibit "A";

AND the Assignors, for themselves, and their respective heirs and personal representatives, hereby covenant with the Assignees, their respective heirs, personal

representatives and assigns: THAT the Assignors have good right to sell and assign the Lease and the premises demised thereunder unto the Assignees as herein set forth and that the same are free and clear of and from all encumbrances made or suffered by the Assignors;

AND the Assignees hereby acknowledge, verify and confirm that the Assignees have reviewed and fully understand all the material terms, covenants and conditions of the Lease, and in consideration of the premises, the Assignees hereby covenant with (1) the Assignors, and (2) the lessor under the Lease, and their respective heirs, personal representatives, successors and assigns: THAT the Assignees will pay the rent reserved by the Lease and will observe and perform all of the covenants and agreements in the Lease contained and on the part of the lessee thereunder to be paid, observed and performed, and will indemnify and keep the Assignors and the lessor under the Lease indemnified against all claims, demands, damages, costs, counsel fees and expenses by reason of any breach of these covenants.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the Assignors and the Assignees have executed this instrument this _____ day of _____, 2009.

DAVID PRATT

DUDLEY PRATT

JEAN WOLFF

JOAN PRATT

NORMAN WOLFF

Assignors

[SIGNATURES TO CONTINUE ON THE NEXT PAGE]

SAMUEL W. PRATT

WILLIAM D. PRATT

MELINDA L.P. WALKER

CHARLES D. PRATT III

TIMOTHY G. PRATT

SARAH P. QUINN

Assignees

STATE OF HAWAII)
) SS.
COUNTY OF KAUAI)

On this _____ day of _____, 2009, before me personally appeared DAVID PRATT, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that such person executed the same as such person's free act and deed.

Signature: _____
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

(Official Stamp or Seal)

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Limited Warranty Assignment of General Lease No. SP-0135, covering land situate at Waimea (Kona), Kauai, Hawaii, and identified by Tax Map Key No. (4) 1-4-002-029.

☐ Doc. Date: _____ or ☐ Undated at time of notarization

No. of Pages: _____ Jurisdiction: Fifth Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this _____ day of _____, 2009, before me personally appeared
DUDLEY PRATT, to me known to be the person described in and who executed the foregoing
instrument, and acknowledged that such person executed the same as such person's free act and
deed.

Signature: _____
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

(Official Stamp or Seal)

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Limited Warranty Assignment
of General Lease No. SP-0135, covering land situate at Waimea (Kona),
Kauai, Hawaii, and identified by Tax Map Key No. (4) 1-4-002-029.

☐ Doc. Date: _____ or ☐ Undated at time of notarization

No. of Pages: _____ Jurisdiction: First Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

STATE OF CALIFORNIA

)

) SS.

COUNTY OF

)

On this _____ day of _____, 2009, before me personally appeared
JEAN WOLFF, to me known to be the person described in and who executed the foregoing
instrument, and acknowledged that such person executed the same as such person's free act and
deed.

Signature: _____

Name: _____

Notary Public, State of California

My commission expires: _____

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this _____ day of _____, 2009, before me personally appeared
JOAN PRATT, to me known to be the person described in and who executed the foregoing
instrument, and acknowledged that such person executed the same as such person's free act and
deed.

Signature: _____
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

(Official Stamp or Seal)

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of General Lease No. SP-0135, covering land situate at Waimea (Kona),
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☐ Doc. Date: _____ or ☐ Undated at time of notarization

No. of Pages: _____ Jurisdiction: First Circuit
(in which notarial act is performed)

Signature of Notary _____ Date of Notarization and
Certification Statement

Printed Name of Notary _____

(Official Stamp or Seal)

STATE OF CALIFORNIA

)

) SS.

COUNTY OF

)

On this _____ day of _____, 2009, before me personally appeared
NORMAN WOLFF, to me known to be the person described in and who executed the foregoing
instrument, and acknowledged that such person executed the same as such person's free act and
deed.

Signature: _____

Name: _____

Notary Public, State of California

My commission expires: _____

STATE OF HAWAII
COUNTY OF KAUAI

)
) SS.
)

On this _____ day of _____, 2009, before me personally appeared
SAMUEL W. PRATT, to me known to be the person described in and who executed the
foregoing instrument, and acknowledged that such person executed the same as such person's
free act and deed.

Signature: _____
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

(Official Stamp or Seal)

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of General Lease No. SP-0135, covering land situate at Waimea (Kona),
Kauai, Hawaii, and identified by Tax Map Key No. (4) 1-4-002-029.

☐ Doc. Date: _____ or ☐ Undated at time of notarization

No. of Pages: _____ Jurisdiction: Fifth Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this _____ day of _____, 2009, before me personally appeared
WILLIAM D. PRATT, to me known to be the person described in and who executed the
foregoing instrument, and acknowledged that such person executed the same as such person's
free act and deed.

Signature: _____
Name: _____
Notary Public, State of Hawaii

My commission expires: _____

(Official Stamp or Seal)

NOTARY CERTIFICATION STATEMENT

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of General Lease No. SP-0135, covering land situate at Waimea (Kona),
Kauai, Hawaii, and identified by Tax Map Key No. (4) 1-4-002-029.

☐ Doc. Date: _____ or ☐ Undated at time of notarization

No. of Pages: _____ Jurisdiction: First Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this _____ day of _____, 2009, before me personally appeared
MELINDA L.P. WALKER, to me known to be the person described in and who executed the
foregoing instrument, and acknowledged that such person executed the same as such person's
free act and deed.

Signature: _____

Name: _____

Notary Public, State of Hawaii

My commission expires: _____

(Official Stamp or Seal)

NOTARY CERTIFICATION STATEMENT

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of General Lease No. SP-0135, covering land situate at Waimea (Kona),
Kauai, Hawaii, and identified by Tax Map Key No. (4) 1-4-002-029.

☐ Doc. Date: _____ or ☐ Undated at time of notarization

No. of Pages: _____ Jurisdiction: First Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

)

)

My commission expires: _____

STATE OF OREGON

)

) SS.

COUNTY OF

)

On this _____ day of _____, 2009, before me personally appeared
TIMOTHY G. PRATT, to me known to be the person described in and who executed the
foregoing instrument, and acknowledged that such person executed the same as such person's
free act and deed.

Signature: _____

Name: _____

Notary Public, State of Oregon

My commission expires: _____

STATE OF CALIFORNIA

)

) SS.

COUNTY OF

)

On this _____ day of _____, 2009, before me personally appeared SARAH P. QUINN, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that such person executed the same as such person's free act and deed.

Signature: _____

Name: _____

Notary Public, State of California

My commission expires: _____

ALL of that certain unrecorded General Lease No. SP-0135 dated _____, made by and between the State of Hawaii, as Lessor, by its Board of Land and Natural Resources, and David Pratt, Dudley Pratt, Jean Wolff, Joan Pratt and Norman Wolff, as Lessee, on file in the Office of the Board of Land and Natural Resources, covering:

PUU KA PELE PARK LOTS

LOT 7

Waimea (Kona), Kauai, Hawaii

**Being a portion of Waimea Canyon Park
(Governor's Executive Order 2209)**

Beginning at the southeast corner of this lot and on the southwest corner of Lot 6 of Puu Ka Pele Park Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALE 2" being 3382.92 feet South and 2303.86 feet West, as shown on H.S.S. Plat 3095, thence running by azimuths measured clockwise from True South:

1. 61° 35' 66.89 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209);
2. 81° 13' 196.83 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209);
3. 177° 17' 171.70 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209);
4. 263° 09' 224.47 feet along Lot 72 of Puu Ka Pele Park Lots;
5. 266° 53' 66.70 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209);
6. 11° 18' 142.79 feet along Lot 6 of Puu Ka Pele Park Lots, to the point of beginning and contain an Area of 1.02 Acres.

SUBJECT, HOWEVER, to:

1. The reservations, covenants and agreements as contained in said General Lease.
2. All other encumbrances affecting the premises as of the date of this instrument.

Said General Lease being at the rents and on the conditions set forth therein;

And all of the estate, right, title and interest of the Assignors in the demised premises, and all buildings and improvements thereon.

EXHIBIT "A"